

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Thomas Eugene Clinkscales,)	C.A. No. 4:07-3297-CMC-TER
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
Captain Garry Bryant,)	
Wally Hampton "Nurse,")	
Karen Black "Nurse," Officer Swaney,)	
Joey Preston, County Administrator,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint seeking relief pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to a United States Magistrate Judge for pre-trial proceedings and a Report and Recommendation ("Report"). However, this court retains the discretion to withdraw the reference and resolve the case without a Report and Recommendation. For the reasons indicated below, the court **dismisses** this matter.

Plaintiff filed this case on October 4, 2007, asserting a litany of complaints relating to the conditions at the Anderson County Detention Center (ACDC). Plaintiff "needs to be compensated for pain and suffering and mental anguish[.]" and seeks injunctive relief. Compl. at 5 (Dkt. # 1, filed Oct. 4, 2007).

Plaintiff does not claim that he suffered any physical injury as a result of the conditions at the ACDC. Therefore, he cannot recover for any "pain and suffering and mental anguish" as more than *de minimis* physical injury is a prerequisite for a prisoner to recover for mental or emotional injury under § 1983. *See* 42 U.S.C. § 1997e(e). Additionally, because Plaintiff has been confined in the South Carolina Department of Corrections (SCDC) since at least November 19, 2007 (*see*

Change of Address, Dkt. # 14, filed Nov. 19, 2007), his claim for injunctive relief is moot. *See Williams v. Griffin*, 952 F.2d 820, 823 (4th Cir. 1991) (holding that because prisoner was transferred to another facility and was no longer subjected to the conditions about which he complained, his claim for injunctive relief was moot); *Taylor v. Rogers*, 781 F.2d 1047, 1048 n.1 (4th Cir. 1986) (holding that prisoner's transfer mooted a request for declaratory and injunctive relief).

Therefore, this matter is dismissed without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
November 25, 2008

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